

The Examiner states that Grunberg discloses a perfume container comprising a glass body and cap and that it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the cap disclosed in Alonso from glass in order to have an ornamental design. The Examiner refers to Applicant's specification to show that glass is an equivalent to ceramic.

The Examiner also states that Grunberg discloses an insert with screw threads formed thereon and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the cap of Alonso with an insert having screw threads so as to obtain the benefit of a frictional interlock.

The Examiner takes Official Notice that forming the insert of plastic does not distinguish over the prior art in that it is well known to form an insert out of plastic in order to provide an improved friction fit interlock so as to prevent undesired opening of the container.

Applicant respectfully disagrees.

Alonso discloses a container finish for soft drink bottles or other beverages so that the bottle may accommodate both a conventional crown cap closure and a roll-on type closure. Grunberg discloses a perfume holder in the form of a small cylindrical vial with a tapered stopper and cover.

Neither of the references relied upon by the Examiner discloses nor renders obvious Applicant's dual bottle closure comprising a ceramic bottle and an external cap made from ceramic. Alonso is directed toward a container finish for a beverage bottle. Typically, beverage bottles are made from glass or plastic, not ceramic. Nor would it be obvious or desirable to make a beverage bottle from ceramic as it would not be very cost efficient to do

such. Also, it would not be very practical to use a ceramic beverage bottle. Ceramic bottles are typically used for decoration. Bottles containing beverages are often readily disposable and are seldom kept and used as decorative objects. Grunberg discloses a perfume bottle made from glass. Grunberg does not teach or suggest the use of a ceramic bottle and cap. Therefore, even if the teaching of Alonso has been properly combined with the teaching of Grunberg, Applicant's invention of a ceramic bottle and cap would not result. Thus, Applicant's invention is not disclosed or rendered obvious by Alonso alone or in combination with Grunberg.

Also, Applicant vehemently disagrees with the Examiner's position that forming the bottle and cap disclosed in Alonso and Grunberg from ceramic is an exchange of suitable materials. Applicant has already addressed the nonobviousness of exchanging ceramic for the various materials disclosed in the prior art relied upon by the Examiner. Furthermore, Applicant has indicated that the use of a ceramic cap and bottle is the preferred embodiment. (See page 2, lines 16-20; page 3, line 1; and the Abstract.) Therefore, the use of ceramic is an important feature of Applicant's invention and it would not be obvious to exchange the use of ceramic with other materials as noted by the Examiner.

Applicant also disagrees with the Examiner's comments that it would be obvious to include the insert with screw threads disclosed in Grunberg in the invention disclosed in Alonso and that making the insert from plastic does not distinguish Applicant's invention over the prior art.

There would be no reason for the bottle finisher disclosed in Alonso to include a cap with a threaded insert as claimed by Applicant. One of the reasons an insert is used in Applicant's invention is to provide a specific orientation or alignment of the cap in relation to the

bottle which is often necessary in decorative bottles. There simply is no reason for such a proper alignment and orientation in a soda bottle. Furthermore, Applicant has disclosed in the specification the importance or criticality of using a plastic insert within a ceramic cap where the cap is screwed onto a ceramic bottle. (See page 1, last paragraph.) Therefore, Alonso and Grunberg do not suggest or render obvious Applicant's invention nor is forming the insert of the cap from plastic an obvious modification of the prior art.

In view of all of the foregoing, Applicant submits that the claims clearly and patentably distinguish over the prior art cited by the Examiner. It is believed that these claims are in proper condition for allowance and an early action toward that end is most respectfully solicited.

Respectfully submitted,

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Dated: June 3, 2003

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**CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)**

Applicant(s): KLAUS SCHUMACHER

Docket No.

1894-36

Serial No.  
10/041,075

Filing Date  
JANUARY 9, 2002

Examiner  
JAMES N. SMALLEY

Group Art Unit  
3727

Invention: DUAL BOTTLE CLOSURE

FAX RECEIVED  
JUN 03 2003  
GROUP 3700

I hereby certify that this

**REQUEST FOR RECONSIDERATION**

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FOR  
RECONSIDERATION  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of :  
KLAUS SCHUMACHER :  
Serial No. 10/041,075 : Group Art Unit 3727  
Filed: January 9, 2002 : Examiner James N. Smalley  
For: Dual Bottle Closure :

Mail Stop AF  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

REQUEST FOR RECONSIDERATION

The Office Action of March 3, 2003 and the references cited therein have been carefully studied and in view of the following representations, reconsideration and allowance of this application are most respectfully requested.

The Examiner has rejected Claims 1-3 and 5 under 35 U.S.C. §103(a) as being unpatentable over Alonso in view of Grunberg. According to the Examiner, Alonso discloses a finish for containers comprising a glass bottle having an opening and a neck with external screw threads formed thereon, an external closure in the form of an external cap for covering the opening of the bottle, the cap having internal screw threads, and an imperforate crown cap. The Examiner admits that Alonso does not disclose the external cap being formed of glass but that the cap may serve as a promotional item. The Examiner also admits that Alonso does not disclose an insert that fits within the cap and that has screw threads formed thereon.